

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Monday January 13, 2014 at 10:00 a.m.
Conference Center, Room A
Indiana Government Center-South
402 West Washington Street
Indianapolis, Indiana

COMMITTEE MEETINGS

10:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

D. Demuth called the meeting to order at 1:00 p.m. and established a quorum pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting

Board Members Present:

David Demuth, President
Diane Weisheit, Vice President
Joseph Barsic
Rebecca Bushong
Gary Odell

Board Member Absent:

Diana Bonn

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Rae Harman, Assistant Director, Indiana Professional Licensing Agency
Tasha Coleman, Assistant Compliance Director
Philip Thompson, Board Advisory Counsel, Office of the Attorney General

ADOPTION OF THE AMENDED AGENDA

The January 13, 2014 agenda was adopted as amended.

Weisheit/O'Dell
5/0/0
Motion carried.

ADOPTION OF THE MINUTES FROM THE NOVEMBER 17, 2013 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the November 17, 2013 meeting.

Weisheit/Barsic
5/0/0
Motion carried.

OLD/NEW BUSINESS

Office of the Attorney General Consumer Protection Division Report

Administrative Hearings, 1:00 p.m.

1. Administrative Hearing in the Matter of Avis Nails, MS39600693, SBCBE 12-13

A motion was made and seconded to issue a notice of proposed dismissal.

Weisheit/Barsic
5/0/0
Motion carried.

2. Administrative Hearing in the Matter of Nail Trap, MS30902653, SBCBE 13-72

A motion was made and seconded to issue a notice or proposed default.

Weisheit/Bushong
5/0/0
Motion carried.

3. Administrative Hearing in the Matter of USA Nails, MS30903072, SBCBE 13-101

D. Demuth granted the Respondent's Motion for continuance to allow Respondent to obtain a language translator at his own expense.

4. Administrative Hearing in the Matter of Tybrus Nelson, BA10700125, SBCBE 12-102

A motion was made and seconded to suspend the license indefinitely with no right to petition for reinstatement until released from prison.

Barsic/Bushong
5/0/0
Motion carried.

A motion was made and seconded to require payment of the \$5 fee to the Health Records and Personal Identifying Information Protection Trust Fund.

Weisheit/O'Dell
5/0/0
Motion carried.

5. Administrative Show Cause Hearing in the Matter of David P. Westbrooks, SBCBE 13-84

A motion was made and seconded to find Respondent in Default.

Weisheit/O'Dell
5/0/0
Motion carried.

A motion was made and seconded to issue a Notice to Cease and Desist the practice of Barbering.

Barsic/O'Dell
5/0/0
Motion carried.

6. Administrative Show Cause Hearing in the Matter of Kinon Glover, SBCBE 13-85

J. Barsic indicated Mr. Glover attended his beauty culture school and feels he could render a fair and impartial decision in the matter. A motion was made and seconded to find Respondent in Default.

Weisheit/O'Dell
5/0/0
Motion carried.

A motion was made and seconded to issue a Notice to Cease and Desist the practice of Barbering.

Weisheit/Bushong
5/0/0
Motion carried.

Consideration of Administrative Law Judge's Order

1. Samantha Dawn Chastain, SBCBE 13-96

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Weisheit/O'Dell
5/0/0
Motion carried.

**Discussion of Implementation of the Citation Program with Deborah Frye, Compliance Director;
IC 25-8-3-30**

The matter was tabled until March 17, 2014.

Correspondence Regarding Shear Pouches

The board determined that they were not in a position to provide an advisory opinion.

GRANTING OR DENYING PETITION FOR REVIEW AND APPOINTMENT OF ADMINISTRATIVE LAW JUDGE

A. Victoria Palmeros Salas

Re: Untimely Petition for Review of Application for Provisional Cosmetology License

A motion was made and seconded to deny the petition for review for untimely filing.

Weisheit/O'Dell
5/0/0
Motion carried.

COMMITTEE REPORTS

A. Application Committee

A motion was made and seconded to approve the Application Committee Report.

Weisheit/Bushong
5/0/0
Motion carried.

COSMETOLOGY APPLICATIONS

By Examination:

Hammontree, Haley – Approved
Holliday, Jessica Lynn - Approved
Poe, Adrienne – Tabled, incomplete

By Reciprocity

Pham, Kim Dung Thi - Approved

Provisional:

Mounphoxay, Randy – Denied, unlicensed practice

MANICURIST APPLICATIONS

By Reciprocity:

Do, Phi H. – Tabled, pending proof of license from VA
Ho, Duc Tan – Denied, license is not valid in another jurisdiction IC 25-8-4-2(a)(1)
Phillips-Elam, Melanie - Approved
Sanders, Jerico - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation

ELECTROLOGIST APPLICATIONS

By Reciprocity:

Delashmit, Kara – Tabled, curriculum and detailed transcript needed, as well as Ohio requirements

BARBER APPLICATIONS

By Reciprocity:

Hughes, Dominique – Approved on Probation with no right to petition for withdrawal of probation until proof/documentation of successful completion of criminal probation

SALON APPLICATIONS

Beauty Culture Salon

Angel Nails, 2020 South Western Avenue, Suite B, Marion, IN 46953 – Denied, failed inspection
Master Damon's Barber & Beauty, 6132 E 46th Street, Indianapolis, IN 46226 – Approved pending a passed inspection report
Salon 360, 1283 Broadway, Gary, IN 46407 – Denied, failed inspection

B. Rules Committee

The Rules Committee will meet again January 27, 2014.

ELECTION OF OFFICERS

A motion was made and seconded to nominate D. Weisheit as President for 2014.

O'Dell/Barsic
5/0/0
Motion carried.

A motion was made and seconded to elect D. Weisheit as President for 2014

O'Dell/Barsic
5/0/0
Motion carried.

A motion was made and seconded to nominate J. Barsic as Vice President for 2014.

O'Dell/Weisheit
5/0/0
Motion carried.

A motion was made and seconded to elect J. Barsic as Vice President for 2014

O'Dell/Weisheit
5/0/0
Motion carried.

A motion was made and seconded to appoint G. O'Dell as barber complaint liaison to the Office of the Attorney General and D. Bonn as cosmetology, manicurist, esthetician, and electrology complaint liaison to the Office of the Attorney General for 2014.

Weisheit/O'Dell
5/0/0
Motion carried.

ADJOURNMENT

The meeting adjourned at 2:40 p.m.